Appl. No. 09/698,640

AMENDMENTS TO THE CLAIMS AND CLAIM LISTING

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1.   (Currently amended) A computer-implemented method for an on-line auction of the type wherein a plurality of customers may purchase a product supplied by one or more merchants, said method comprising the steps of:

acquiring, over a network, customer information from each of said plurality of customers, said customer information including a ~~Preferred Program Term selected from one or more~~ preference ranking of more than one Program Terms associated with said product such that one of said Program Terms becomes a selected Preferred Program Term;

automatically grouping each of said ~~one or more~~ plurality of customers into one or more pools prior to an auction in accordance with said selected Preferred Program Term, ~~wherein said Preferred Program Term comprises indicia associated with said product~~;

receiving, over said network, bids from said one or more merchants in connection with providing said product collectively to at least one of said one or more pools of said plurality of customers;

comparing said bids from said merchants to select a preferred bid from a preferred merchant for said at least one of said one or more pools of said plurality of customers;

notifying, over said network, said preferred merchant of said preferred bid.

2.   (Previously presented) The method of claim 1, wherein said grouping step includes grouping said customers via characteristic pooling in accordance with a Program Term associated with a characteristic of said customers.

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3. (Previously presented) The method of claim 1, wherein said grouping step includes grouping said customers via commitment pooling in accordance with a Program Term associated with the customers' level of commitment.

4. (Previously presented) The method of claim 1, wherein potential customers are grouped into ghost pools, and wherein said merchants bid on said ghost pools to obtain the right to provide a previously agreed upon number of said potential customers with said product.

5. (Cancelled).

6. (Previously presented) The method of claim 1, further comprising grouping said customers into at least a second pool comprising at least one of a Characteristic Pool and a Commitment Pool.

7. (Previously presented) The method of claim 1, further comprising repeating said receiving and comparing steps in successive auction stages based upon at least one of successive Program Terms and successive pool groupings, to arrive at a final preferred bid relative to said pool.

8. (Previously presented) The method of claim 3, wherein said level of commitment is determined by a prior affirmative commitment by said customers to purchase said product in accordance with said preferred bid by said preferred merchant.

9. (Previously presented) The method of claim 4, wherein said ghost pool comprises all customers signing up for said product during a particular time frame.

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10.   (Currently amended) The method of claim 5 1, further comprising calculating a Term Ratio as a function of different rankings of said two or more Program Terms by said plurality of customers to facilitate grouping of customers who provided said different rankings into a common pool to further facilitate bidding by merchants on the opportunity to provide said product to said customers within said common pool.

11.   (Previously presented) The method of claim 10, wherein said Term Ratio facilitates adjustment of a bid value relative to a second of said Program Terms based on a merchant's bid relative to a first of said Program Terms.

Claims 12-19 were previously cancelled.

20.   (Previously presented) A method of providing an on-line market place for goods and services to a plurality of users and a plurality of bidders, comprising:

providing an on-line user interface which displays for selection a good or service;

receiving a selection of said good or service;

providing an on-line user interface, dependent upon the selection of good or service, which displays for selection a plurality of terms associated with said selected good or service, said selection indicative of a preferred one of said terms;

receiving said selection of said preferred one of said terms;

automatically grouping users into a pool, prior to an auction, such that each user in said pool has indicated a similar preference for said preferred one of said terms;

providing to a plurality of bidders an indication of said good or service together with an indication of said preferred one of said terms;

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providing an on-line user interface permitting said plurality of bidders to enter an auction bid to provide said good or service, including said preferred one of said terms, to said pool of users;

receiving at least one bid from said plurality of bidders to provide said good or service;

comparing all said bids from said plurality of bidders to select a preferred bid therefrom; and

notifying the bidder providing said preferred bid that theirs is said preferred bid.

21.   (Previously presented) The method of claim 20, further comprising the step of:

grouping the users within said pool into groups according to a criteria, said criteria comprising at least one of an express commitment to be bound by said preferred bid, a common demographic characteristic of said plurality of customers, and a preferred grouping criterion selected by said plurality of customers.

22.   (Previously presented) The method of claim 20, further comprising the step of:

estimating the number of members of a pool, and providing said estimate to said plurality of bidders together with said indication of said good or service and said indication of said preferred one of said terms.

23.   (Previously presented) The method of claim 20, further comprising the steps of:

providing an on-line user interface which displays for selection at least one period of time during which a user will commit to accept and be bound by a preferred bid;

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receiving for a user a selection of one of said at least one period of time; and

grouping the users within said pool into groups based upon said selection of said at least one period of time.

24.   (Previously presented) The method of claim 21, further comprising:

repeating said step of providing to a plurality of bidders an indication of said good or service together with an indication of said preferred one of said terms, and

repeating said step of receiving at least one bid from said plurality of bidders in successive auction stages based on alternate groupings of said plurality of customers according to different grouping criteria.

25.   (Currently amended) The method of claim 21, further comprising establishing a Term Ratio term-ratio as a function of a plurality of grouping criteria to facilitate grouping of said plurality of users based on at least one of a varied selection and varied ranking of said grouping criteria.

26.   (Previously presented) The method of claim 25, wherein said Term Ratio facilitates adjustment of a bid value relative to a second of said grouping criteria based on a bidder's bid relative to a first of said grouping criteria.
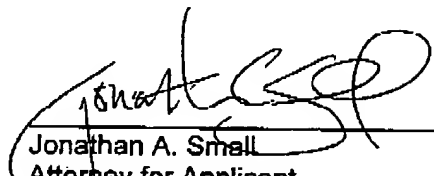
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For the reasons put forth in Applicant's Amendment and Response dated March 8, 2007, Applicant believes that all claims pending in this application meet statutory requirements and distinguish over the cited art, and are therefore in condition for allowance. The issuance of a formal Notice of Allowance of this application at the earliest possible date is respectfully requested.

By action taken here, Applicant in no way intends to or causes any surrender of any subject matter or range of equivalents beyond that strictly required to patentably distinguish the claimed invention as a whole over the prior art. Applicant expressly reserves without dedication all such subject matter and equivalents that may fall in the range between Applicant's literal claim recitations and combinations taught or suggested by the prior art.

If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-941-4470.

Respectfully submitted,

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